

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO.

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY

Debtor.

**URGENT MOTION FOR LEAVE TO CITE TO
CASE LAW IN SPANISH LANGUAGE AND FOR EXTENSION OF
TIME TO SUBMIT CORRESPONDING CERTIFIED ENGLISH TRANSLATION**

The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474), and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747).

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (other than COFINA) (the “Committee”) hereby submits this urgent motion (the “Urgent Motion”), for leave to cite to a case in the Spanish language in the *Omnibus Reply of Official Committee of Unsecured Creditors In Support of Motion for Order, Pursuant to Bankruptcy Code Section 926(a), Authorizing Committee to Pursue Certain Avoidance Actions on Behalf of Puerto Rico Electric Power Authority* [Docket No. 7637 in Case No. 17-3283 (LTS) and Docket No. 1388 in Case No. 17-4780 (LTS)] (the “Reply”)² and to file the corresponding certified English translation on or before June 26, 2019 at 4:00 p.m. (AST). In further support of this Urgent Motion, the Committee respectfully represents as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA.
2. Venue is proper pursuant to section 307(a) of PROMESA.

BACKGROUND

3. On June 17, 2019, the Committee filed the *Urgent Motion of Official Committee of Unsecured Creditors for Order, Pursuant to Bankruptcy Code Section 926(a), Authorizing Committee to Pursue Certain Avoidance Actions on Behalf of Puerto Rico Electric Power Authority* [Docket No. 7484 in Case No. 17-3283 (LTS)] (the “Section 926 Motion”). On June 18, 2019, the Court entered an order [Docket No. 7493 in Case No. 17-3283 (LTS)] granting the Committee’s request for expedited consideration of the Section 926 Motion and establishing deadlines of June 21, 2019 for the filing of objections and

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Reply.

responses and June 25, 2019 for the filing of replies, along with a June 28, 2019 hearing date. In accordance with this order, on June 21, 2019, a number of parties filed Objections to the Section 926 Motion, and, on June 25, 2019, the Committee filed its Reply.

4. One opinion from the Puerto Rico Supreme Court cited in the Reply, namely *Yiyi Motors Inc. v. E.L.A.*, 177 D.P.R. 230, 247-248 (2009) (the “Supporting Case”), does not have a certified English translation. In light of the compressed briefing timetable, the Committee was unable to procure a certified English translation of the Supporting Case prior to the deadline for filing the Reply.

RELIEF REQUESTED

5. Rule 5(g) of the Local Rules for the District of Puerto Rico provides that “[a]ll documents not in the English language which are presented or filed, whether as evidence or otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts.”

6. As noted, the Committee was unable to procure a certified English translation of the Supporting Case on or before June 25, 2019, *i.e.*, the deadline to file the Reply. The Committee therefore requests leave from this Court to cite to the Supporting Case in its original Spanish language and to submit a certified translation within 24 hours after the Reply deadline, *i.e.*, on or before **June 26, 2019 at 4:00 p.m. (AST)**. The Committee submits that this short extension of time is reasonable under the circumstances.

7. The Committee hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

8. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

[Remainder of page intentionally left blank.]

WHEREFORE the Committee respectfully requests that the Court enter the Proposed Order attached hereto as **Exhibit A**, granting the Committee the relief requested herein and all other relief as is just and proper.

Dated: June 25, 2019

By: /s/ Luc A. Despins

PAUL HASTINGS LLP
Luc. A. Despins, Esq. (*Pro Hac Vice*)
James R. Bliss, Esq. (*Pro Hac Vice*)
James B. Worthington, Esq. (*Pro Hac Vice*)
G. Alexander Bongartz, Esq. (*Pro Hac Vice*)
200 Park Avenue
New York, New York 10166
Telephone: (212) 318-6000
lucdespins@paulhastings.com
jamesbliss@paulhastings.com
jamesworthington@paulhastings.com
alexbongartz@paulhastings.com

Counsel to the Official Committee of Unsecured Creditors

By: /s/ Juan J. Casillas Ayala

CASILLAS, SANTIAGO & TORRES LLC
Juan J. Casillas Ayala, Esq. (USDC - PR 218312)
Alberto J. E. Añeses Negrón, Esq. (USDC - PR 302710)
Israel Fernández Rodríguez, Esq. (USDC - PR 225004)
Juan C. Nieves González, Esq. (USDC - PR 231707)
Cristina B. Fernández Niggemann, Esq. (USDC - PR 306008)
PO Box 195075
San Juan, Puerto Rico 00919-5075
Telephone: (787) 523-3434 Fax: (787) 523-3433
jcasillas@cstlawpr.com
aaneses@cstlawpr.com
ifernandez@cstlawpr.com
jnieves@cstlawpr.com
cernandez@cstlawpr.com

Local Counsel to the Official Committee of Unsecured Creditors